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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,777	08/01/2003	Valentino Campagnolo	CAM3-PT005.1	3090

3624 7590 07/20/2005

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UNITED PLAZA, SUITE 1600
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EXAMINER

VAN PELT, BRADLEY J

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/632,777	Applicant(s) CAMPAGNOLO, VALENTINO	
	Examiner Bradley J. Van Pelt	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17, 18 and 20-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 17 and 18 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 22-25, 27, 36, 38 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14, 20, 21, 26, 28-35, 37, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jinbo et al. (USPN 6,216,078) in view of Abe.

Jinbo et al. discloses a support body 2, brake lever 33, first and second electrical switches 47H, 47L, a control lever mounted 43 for rotation about a pin 31 located in the support body and positioned such that a portion thereof can be rotated into activating contact with first electrical switch, first and second switches activate a derailleur for upshifting and downshifting;

a support plate (end portion which threads pass through)¹;

lever rotates generally orthogonal to the path of motion of the brake lever;

the electrical switches are located on opposite sides of a plate 36²;

two support bodies for each derailleur (inherent);

the gear change mechanism is an electric motor;

brake lever is rotatably attached to the support body about a pivot axis, the lever being pivotally mounted to the brake lever about an axis generally perpendicular to the pivot axis;

¹ Claims 11-14, 20, 21, 26, and 28.

² Claims 1-10 and 29-34. These claims do not require the switches to be mounted on the same plate only that the switches are located on the opposite sides of a plate.

plate is positioned in the support body so that the opposite sides are generally perpendicular to a portion of the support body.

Jinbo et al. do not disclose a button for activating a second electrical switch; the button moves substantially orthogonal to the pivot axis of the brake lever; or a third switch in communication with a cycle computer disposed on the plate.

Abe discloses a button 18 for activating a second electrical switch; the button moves substantially orthogonal to the pivot axis of a brake lever 3; a switch in communication with a cycle computer.

To modify the apparatus of Jinbo et al. so as to include a button for actuating a second electrical switch would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Abe that such an arrangement simplifies the construction of the shifting mechanism, since it would be unnecessary for the brake lever to rotate in two different planes.

To modify the apparatus of Jinbo et al. so as to include a switch for operating a cycle computer would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Abe that such an arrangement improves the efficiency of the rider by providing him/her with feedback data of his/her ride.

Response to Arguments

3. Applicant's arguments with respect to claims 1-14, 20, 21, 26, 28-35, 37, 40, and 41 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claims 15, 17, 18 are allowed.

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5. Claims 22-25, 27, 36, 38, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance and reasons for indicating allowable subject matter: none of the prior art teaches or suggests "the first and second electrical switches are located on a plate disposed in the mount, wherein the first and second electrical switches are located on opposite sides of the plate."

Jinbo et al. disclose switches located on a singular plate (end which threads 31 pass through) but do not disclose the switches 47L, H are located on opposite sides of the plate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

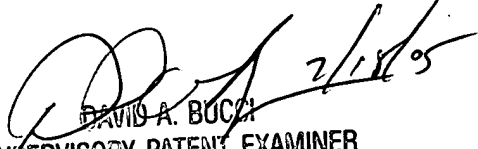
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J. Van Pelt whose telephone number is (571)272-7113. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (571)272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJVP 

 2/18/05
DAVID A. BUCCHI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600